

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COMAIR LIMITED,

Plaintiff,

vs.

THE BOEING COMPANY, and DOES 1
through 100, inclusive,

Defendants.

Case No. 2:23-CV-00176-RSM

ORDER GRANTING PLAINTIFF
COMAIR LIMITED'S MOTION TO
FILE AN OVER-LENGTH BRIEF

Pursuant to LCR 7(d)(1), 7(e) and 7(f), Comair Limited respectfully moves for approval to file an over-length brief in opposition to The Boeing Company's pending motion for summary judgment. Comair requests an additional 1,600 words for its opposition, for a total of 10,000 words.

Boeing filed a summary judgment motion seeking to adjudicate all six of Comair's claims and to strike one of Comair's damages claims. The time period relevant to the motion spans nearly a decade and dates back to at least 2012. The factual record is extensive and involves highly technical details relating to the development and certification of commercial aircraft. This will require a lengthy and detailed presentation

of the chronology and disputed facts. In addition to the volumes of evidence of disputed facts, there are complex legal issues, including a choice-of-law analysis. A moderate enlargement of the word limits applicable to the briefing will allow the parties to provide a more helpful and fulsome analysis to the Court.

Courts in this district have previously granted similar requests. *See, e.g., Zunum Aero Inc. v. The Boeing Co.*, No. 2:21-cv-00896-JLR (Dkt. 291) (W.D. Wash. Feb. 22, 2024) (granting motion for over-length summary judgment briefs due to complexity of claims and technical evidence in a commercial dispute); *Microsoft Corp. v. Internal Revenue Serv.*, No. 2:15-cv-00369-RSM (Dkt. 62) (W.D. Wash. Apr. 26, 2022) (granting leave to file 33-page summary judgment brief); *California Expanded Metal Prod. Co. v. Klein*, 2021 WL 4078072 (W.D. Wash. Sept. 8, 2021) (granting leave to file 50-page opening brief).

More specifically, in another lawsuit by a Boeing customer similarly suing over the grounded 737 MAX aircraft—*Polskie Linie Lotnicze v. The Boeing Company* (Case No. 2:21-cv-01449-RSM)—Boeing also filed a summary judgment motion to adjudicate all of Polskie/LOT’s claims, and this Court allowed the opposition brief to consume 10,000 words. [Id., Dkt. 131]

Similar to the *Polskie/LOT* case and consistent with Local Rule 7(f)(4), Comair requests that Boeing be afforded additional pages for its reply brief in the total amount of 5,000 words. Accordingly, Comair respectfully requests the following limits:

Opposition	10,000 words
Reply	5,000 words

The undersigned counsel certifies that this memorandum of law contains 350 words and is in compliance with the Local Rules.

1 Dated: June 20, 2025

By: /s/ Marc P. Miles

Hunter K. Ahern, WA Bar No. 54489
SHOOK, HARDY & BACON, LLP
701 Fifth Avenue, Suite 6800
Seattle, WA 98104-7066
Telephone: (206) 344-7600
Facsimile: (206) 344-3113
hahern@shb.com

Marc P. Miles (admitted *pro hac vice*)
Kristy A. Schlesinger (admitted *pro hac vice*)
SHOOK, HARDY & BACON, LLP
5 Park Plaza Suite 1600
Irvine, California 92614
Telephone: (949) 475-1500
Facsimile: (949) 475-0016
mmiles@shb.com
kschlesinger@shb.com

M. Kevin Underhill (admitted *pro hac vice*)
SHOOK, HARDY & BACON, LLP
555 Mission Street, Suite 2300
San Francisco, CA 94105
Telephone: (415) 544-1900
Facsimile: (415) 391-0281
kunderhill@shb.com

Attorneys for Plaintiff Comair Limited

ORDER

Having reviewed the Plaintiff's motion to file an over-length brief, the Court hereby grants the motion and orders that Plaintiff's opposition to Boeing's motion for summary judgment may contain up to 10,000 words and Boeing's reply thereto may contain up to 5,000 words.

IT IS SO ORDERED.

DATED this 7th day of July, 2025.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE